

REMARKS

The Office Action dated October 5, 2007 has been received and its contents carefully noted. Claims 1-24 are pending in this application. In the office action, all pending claims are rejected, and claims 2, 17 and 20 are objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant has amended claims 1, 2, 6, 19 and 20 to replace “context related information” with “information about environmental conditions of a mobile telephone device” in order to more distinctly claim the invention. Support for the amendments can be found in the application as originally filed at page 3, lines 7-13 and page 10, lines 20-22. No new matter has been introduced by way of amendment. Claim 11 has been amended to correct an antecedent basis problem. No new matter has been introduced by way of amendment. Claims 14 and 15 have been amended to replace acronyms with their respective phrases or names. No new matter has been introduced by way of amendment. Claim 24 has been amended to include that the processor is “configured for providing the mobile homepage by said server in case the mobile device is not attainable” and that the “mobile homepage having information about environmental conditions of said mobile telephone device” in order to more distinctly claim the invention. Support for the amendment can be found in the application as originally filed at page 8, line 33 through page 9, line 3, page 3, lines 7-13 and page 10, lines 20-22. No new matter has been introduced by way of amendment.

Applicant has added dependent claims 25 and 26. Support for the new claims is found in the application as originally filed at page 3, lines 7-13 and page 5, lines 25-27. No new matter has been introduced.

Claim Rejections under 35 U.S.C. §102(b)

The Office rejects claims 1-8, 11 and 19-21 under 35 U.S.C. §102(b) as being anticipated by the published thesis “Look Ma’, My Homepage is Mobile!” written by *Kehr et al.* (hereinafter *Kehr*). Of these, claims 1 and 19 are independent claims. The Office specifically points to pages 1-3 and Figures 1 and 2 in support of the rejection.

As amended, independent claim 1 includes the limitation “automatically determining information about environmental conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions of said mobile telephone device.” The specification at page 3, lines 7-13 and page 10, lines 20-22 explains that “the homepage can be generated in accordance with information such as position information, signal strength information, time information, or information related to environmental conditions of said mobile device the mobile homepage is stored on. So the mobile homepage can comprise information such as a small map indicating the actual position of the mobile terminal device, or other elements indicating e.g. actual weather conditions such as temperature, atmospheric pressure, and humidity.” [Emphasis added.] Thus, it is clear from this supporting passage that position information and information related to environmental conditions are separate elements of the present invention. Applicant respectfully submits that *Kehr* does not disclose or suggest that the homepage may be updated with such information about the environmental conditions of the mobile telephone device, as required by independent claim 1.

In contrast, *Kehr* discloses a mobile homepage that can provide the current location of the device, such as e.g. GSM coordinates of the mobile phone (i.e. city, street, etc.). Such position information is merely information about the mobile telephone device itself, and not information about the environmental conditions of the device, as claimed. Mere position on Earth does not provide any indication regarding the environmental conditions at that particular location. *Kehr* teaches position information based on coordinates of the device, but fails to disclose the determination of information about the environmental conditions of the mobile telephone device as claimed, thus *Kehr* also fails to suggest determining environmental conditions since only position information is provided. The position of a mobile telephone only represents information about the location of the device itself, not the environment in which the telephone is located. For example, if the mobile telephone is located at coordinates defining a shoreline, the mere coordinates cannot also determine information about the environmental conditions of the mobile telephone, such as if the device is located on land or in the water because of the differences in the position of land and water at high tide and low tide, or if the device is located in the sky because the device is located in an airplane. The claimed invention as amended is not limited only to such position information, but also requires information about the environmental

conditions of the mobile telephone device, which *Kehr* fails to disclose or suggest.

Thus, for at least the foregoing reasons, *Kehr* fails to disclose or suggest all the features of the claimed invention, namely “automatically determining information about environmental conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions of said mobile telephone device,” as required by claim 1. Consequently, *Kehr* fails to anticipate claim 1, therefore, Applicant respectfully requests that the rejection of claim 1 under 35 USC§102(b) be reconsidered and withdrawn.

Claim 19 is an independent device claim having similar limitations as claim 1 and is rejected for similar reasons as claim 1. Specifically, claim 19 recites a mobile telephone device having “a processor configured to determine information about environmental conditions of said mobile telephone device, and to adapt said homepage according to said determined information about said environmental conditions of said mobile telephone device.” Thus, claim 19 is a device claim having similar limitations to the method of claim 1 in that the processor of claim 19 determines and evaluates the information about the environmental conditions of the mobile telephone device, and adapts the homepage accordingly. The automatic determining, evaluating and adapting required by claim 1 are performed by the *processor* of claim 19. Since claim 19, as amended, contains similar limitations to claim 1, and for at least the reasons regarding independent claim 1 clearly explained above, *Kehr* also fails to anticipate claim 19. Therefore, Applicant respectfully requests that the rejection of claim 19 under 35 USC§102(b) be reconsidered and withdrawn.

Claims 2-8, 11 and 20-21 are directly or indirectly dependent from independent claims 1 and 19 and recite additional required features not recited in claims 1 and 19 that are not disclosed or suggested by *Kehr* as explained above. For at least the reasons regarding independent claims 1 and 19 clearly explained above, *Kehr* fails to anticipate claims 2-8, 11 and 20-21, therefore Applicant respectfully requests that the rejection of claims 2-8, 11 and 20-21 under 35 U.S.C. §102(b) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a)

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Nagaoka et al.

The Office rejects claims 9-10 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Nagaoka et al.* (US Patent Application Publication 2002/0180579, hereafter referred to as *Nagaoka*).

Claims 9-10 are indirectly dependent from independent claim 1 and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to anticipate claims 9-10. Furthermore, *Nagaoka* fails to disclose or suggest the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Nagaoka* fails to render claims 9-10 obvious, therefore Applicant respectfully requests that the rejection of claims 9-10 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Venkatraman

The Office rejects claims 14, 16-18 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Venkatraman* (US Patent 5,956,487).

Claims 14 and 16-18 are dependent from independent claim 1 and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claims 14 and 16-18. Furthermore, *Venkatraman* fails to disclose or suggest the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Venkatraman* fails to render claims 14 and 16-18 obvious, therefore Applicant respectfully requests that the rejection of claims 14 and 16-18 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Jamtgaard et al.

The Office rejects claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Jamtgaard et al.* (US Patent 6,430,624, hereafter referred to as *Jamtgaard*).

Claim 15 is dependent from independent claim 1 and recites additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claim 15. Furthermore, *Jamtgaard*

fails to disclose or suggest the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Jamtgaard* fails to render claim 15 obvious, therefore Applicant respectfully requests that the rejection of claim 15 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), *Kehr* in view of *Kanevsky et al.*

The Office rejects claims 12, 22 and 24 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Kanevsky et al.* (US Patent 6,496,949, hereafter referred to as *Kanevsky*).

In rejecting claims 12, 22 and 24, the Office asserts that *Kehr* discloses all the limitations of claims 11, 21 and 23 (from which claims 12, 22 and 24 depend), but does not disclose that downloading is initiated when it is detected that the attainability of the mobile device is expected to be reduced. The Office turns to *Kanevsky* to disclose this limitation. To clarify, Applicant previously canceled claim 23 and incorporated its contents into claim 24, which is now independent. Thus, Applicant assumes the Office did not intend to refer to claim 23 in its rejection of claim 24.

Claims 12 and 22 are dependent from independent claims 1 and 19 and recite additional required features not recited in claims 1 and 19. For at least the reasons regarding independent claims 1 and 19 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claims 12 and 22. Furthermore, *Kanevsky* fails to disclose or suggest the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Kanevsky* fails to render claims 12 and 22 obvious, therefore Applicant respectfully requests that the rejection of claims 12 and 22 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim 24, as amended, recites a network server, connectable to a mobile telephone device, comprising a processor configured for downloading a mobile homepage from the mobile telephone device, the mobile homepage having information about the environment of the mobile telephone device. As amended, claim 24 now contains similar limitations as independent claims 1 and 19. For at least the reasons regarding independent claims 1 and 19 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claim 24, namely that the mobile homepage contains information about the environmental conditions of the mobile telephone device. Furthermore, *Kanevsky* fails to disclose or suggest the limitations lacking in *Kehr*.

Consequently, the combination of *Kehr* in view of *Kanevsky* fails to render claim 24 obvious, therefore Applicant respectfully requests that the rejection of claim 24 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), *Kehr* in view of *Largman et al.*

The Office rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Largman et al.* (US Patent Application Publication 2002/0188887, hereafter referred to as *Largman*).

Claim 13 is dependent from independent claim 1 and recites additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claim 13. Furthermore, *Largman* fails to disclose or suggest the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Largman* fails to render claim 13 obvious, therefore Applicant respectfully requests that the rejection of claim 13 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

New Claims

New claims 25 and 26 are dependent from independent claims 1 and 19 and recite additional required features not recited in claims 1 and 19. For at least the reasons regarding independent claims 1 and 19 clearly explained above, Applicant submits that new claims 25 and 26 are also allowable.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Office to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

Dated: 8-14-08



Cathy A. Sturmer
Agent for Applicant
Reg. No. 60,869

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955